



[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71 and Part 73

Docket No. FAA-2015-0924; Airspace Docket No. 15-AWA-2

Amendment of Authority Citation for Part 71: Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points, and Part 73: Special Use Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: The FAA is amending the authority citation for part 71 and part 73 by adding an additional citation at the beginning of the authority citation string. This action updates and clarifies the Administrator's rulemaking authority to be consistent with other parts of Title 14, Code of Federal Regulations.

DATES: Effective 0901 UTC, [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: For 14 CFR part 71: FAA Order 7400.9Y, Airspace Designations and Reporting Points and subsequent amendments can be viewed online at <http://www.faa.gov/airtraffic/publications/>. FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal

Aviation Administration, 800 Independence Avenue, S.W., Washington D.C., 29591; telephone: 202-267-8783.

For 14 CFR part 73: FAA Order 7400.8X, Special Use Airspace, can be viewed online at the FAAs Air Traffic Plans and Publications Web site at https://www.faa.gov/airports_airtraffic/air_traffic/publications/. For further information, contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591: telephone (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Robert Frenzel, Manager, Rulemaking Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591, (telephone: 202-267-3073).

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends the authority citation for part 71; Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service routes; and Reporting Points, and also for part 73, Special Use Airspace, by adding an additional citation, 49 USC 106(f), at the beginning of the authority citation string. This action updates and clarifies the Administrator's rulemaking authority to be consistent with other parts of Title 14, Code of Federal Regulations.

This is an administrative change reflecting clarification of rulemaking authority, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary. Also, as provided in 5 U.S.C. 553(d), this rule is being published with an effective date of less than 30 days in order to keep current airspace actions previously published in the

FEDERAL REGISTER with later effective dates, and other airspace actions soon to be published.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it further describes the authority of the FAA Administrator for part 71 and part 73 rulemaking.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E,

“Environmental Impacts: Policies and Procedures,” paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71:

Airspace, Incorporation by reference, Navigation (Air).

List of Subjects for 14 CFR Part 73

Airspace, Prohibited Areas, Restricted Areas.

Adoption of the Amendment:

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 and Part 73 as follows:

**PART 71 --DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS;
AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for Part 71 is amended to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

PART 73 – SPECIAL USE AIRSPACE

2. The authority citation for Part 73 is amended to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Washington, D.C., on April 10, 2015.

Mark W. Bury,
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Regulations Division.

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